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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,210	06/26/2001	John David Schmidt	2316.1459US01	9354
23552	7590	01/08/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			HYEON, HAE M	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/892,210		SCHMIDT ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Hae M Hyeon		2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witty et al (US Patent Application Publication 2002/0149923 A1) in view of George et al (4,818,054).

Witty discloses a cable management bracket 501 comprising a L-shaped elongated member 502, a plurality of slotted mounting tabs 505 and a plurality of fingers 508 spaced apart along a length of the elongated member 502 in the vertical direction. The fingers 508 define gaps 510 between the fingers 508 to receive telecommunications cables. The fingers 508 include bend radius limiter portions 528, which have a curved surface. Witty discloses that the bracket 501 is mounted on a rack 540 (support member). Furthermore, Witty teaches that the slotted mounting tabs 505 allows the bracket 501 to be mounted to the rack 540 with the same fasteners used to mount a corresponding piece of telecommunications equipment to the rack 540 by loosening the fasteners then sliding the bracket 501 into place with the fasteners received within a slot 509 of the mounting tabs 505 and re-tightening the fasteners to hold the bracket 501 in place (see paragraph [0065]). However, Witty does not disclose a cabinet frame enclosing the rack 540 and the bracket 501. Therefore, Witty does not show the rack 540 being recessed from a front of the cabinet frame or the fingers 508 being spaced from side walls of the cabinet frame to create a vertical cable pathway between the fingers and one of the side walls.

George discloses a distribution frame in the form of a cabinet comprising vertical support members 7 coupled to the cabinet frame at points recessed from the front of the cabinet frame (see Figure 4) and spaced from side walls 2 of the cabinet frame to create a vertical cable pathway 21 between the vertical support members 7 and one of the side walls 2 (see Figures 1 and 2). The vertical cable pathway 21 allows cables to be disposed and organized within the cabinet frame.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the cable management bracket for the telecommunications rack as taught by Witty such that it would have a cabinet frame containing the rack and the cable management bracket within the cabinet frame recessed from the front and sides walls of the cabinet frame as taught by George to provide cable pathways and safely protect the cable management bracket within the cabinet frame.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-7 and 13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. It seems that the new claim 13 is an amended version of claim 8. It seems that claim 8 should be cancelled because claim 8 did not amended to overcome the rejection made in the First Office Action filed on July 30, 2003.

Art Unit: 2839

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hae M Hyeon whose telephone number is 703-308-4802. The examiner can normally be reached on Mon.-Fri. (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D Feild can be reached on 703-308-2710. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

**Any response to this action may be mailed to:**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, *see Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

**Or Faxed to:**

(703) 308-7722 or 308-7724

(Informal or draft communications should be clearly labeled "PROPOSED" or "DRAFT")

**Hand-delivered responses** should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)

2201 South Clark Place, Arlington, Virginia.

Hae M Hyeon  
Examiner  
Art Unit 2839

hnh

hnh

Hae Moon Hyeon